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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,256	07/30/2001	Wayne Lee Borgen	8200.495	8665

7590 01/23/2004

Matthew W. Stavish, Esq.
Liniak, Berenate, Longacre and White
6550 Rock Spring Dr. # 240
Bethesda, MD 20817

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/916,256

Applicant(s)

BORGEN ET AL.

Examiner

Daniel Yeagley

Art Unit

3611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 5 November 2003 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

Applicants' Appeal Brief filed 11/5/03 under the heading of Status of Amendment; page 5, indicates that a concurrent amendment has been filed with the Appeals brief, amending claims 14 and 17, the examiner has not been able to locate any such amendment as applicant states. Upon reviewing the claims submitted in the Appendix of the Appeals Brief, the examiner has found that the claims there have been amended in accordance with the after-final amendment filed on 8/7/03; paper number 8, to clear-up rejections under USC 112 second paragraph, but in doing so has inadvertently caused claim 5, line 1 regarding the term "The double disconnect system" to now lack antecedent basis and would be rejected under USC 112, second paragraph and the Appendix claim 17 (original) was also found to have apparently been amended on line 3 but failed to indicate any such changes to claim 17. Also the earlier 112 rejection pertaining to claim 14 still stands as applicant has failed to respond to the rejection of claim 14 as stated in the final office action and further failed to respond to the claim 18 regarding the lack of antecedent basis. Thus the appeals brief is non-responsive because the arguments to the sub-paragraph regarding claims rejected under USC 112 are erroneous and an argument regarding claim 8 has not been addressed.

Lesley D. Morris
LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600